



**Customer No. 26874**  
PATENT TRADEMARK OFFICE  
**Atty. Docket: 91830.0538278**

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Smithrud : Paper No: Unknown

Serial No. 10/560,121 : Group Art Unit: Unknown

Filed: December 8, 2005 : Examiner: Unknown

For: **COMPOSITIONS AND METHODS FOR TARGETED DRUG DELIVERY**

**RESPONSE TO NOTIFICATION TO COMPLY WITH REQUIREMENTS FOR**  
**PATENT APPLICATIONS CONTAINING NUCLEOTIDE AND/OR AMINO ACID**  
**SEQUENCE DISCLOSURES**

**Confirmation No. 2766**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification to Comply with the Requirements for Patent Applications Containing Nucleotide and/or Amino Acid Sequence Disclosures mailed on September 21, 2006, enclosed is a written sequence listing for the above patent application to comply with 37 CFR 1.821-1.825 and a copy of the Sequence Listing in computer readable form as required by 37 CFR 1.821(c) and (e).

Applicants hereby direct that the attached sequence listing be entered at the end of the current application as a separate part of the disclosure.


Applicants state the content of the sequences listing information recorded in computer readable form is identical to the written sequence listing and to that submitted with the application and includes no new matter, as required by 37 CFR 1.821(e), 1.821(g), 1.825(b) or 1.825(d).

Serial No. 10/560,121

The Commissioner of Patents and Trademarks is hereby authorized to charge any fees or credit any overpayment to Frost Brown Todd LLC's Deposit Account No. 06-2226 for any additional charge or credit associated with this Response. A copy of the Notice to Comply is enclosed.

Respectfully submitted,

DAVID SMITHRUD

By   
\_\_\_\_\_  
Stephen R. Albainy-Jenei  
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Enclosures: CD-Rom  
Sequence Listing

CINLibrary 0091830.0538278 1673238v.1



## UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
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www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/560,121	David B. Smithrud	91830.0538278

INTERNATIONAL APPLICATION NO.
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PCT/US04/18301

I.A. FILING DATE	PRIORITY DATE
06/09/2004	06/09/2003

Stephen R Albainy-Jenei  
Frost Brown Todd  
2200 Pnc Center  
2001 E 5th Street  
Cincinnati, OH 45202

Date Rec'd: 9/11/06  
Next Action: Reply to Notice  
Due Date: 10/1/2006  
Docketed by: de  
Case No: 05043

CONFIRMATION NO. 2766

371 FORMALITIES LETTER



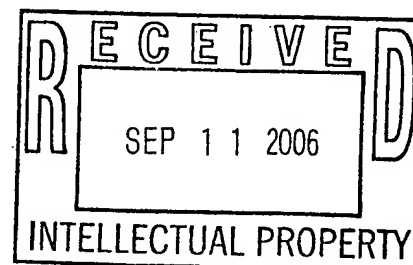
\*OC000000020271416\*

Date Mailed: 09/07/2006

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 12/08/2005
- Copy of the International Search Report filed on 12/08/2005
- Information Disclosure Statements filed on 04/21/2006
- Biochemical Sequence Diskette filed on 08/21/2006
- Oath or Declaration filed on 05/23/2006
- Small Entity Statement filed on 12/08/2005
- U.S. Basic National Fees filed on 12/08/2005
- Priority Documents filed on 12/08/2005
- Power of Attorney filed on 05/23/2006
- Specification filed on 12/08/2005
- Claims filed on 12/08/2005
- Abstracts filed on 12/08/2005
- Drawings filed on 12/08/2005



Applicant's response filed 08/21/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 03/30/2006 have not been completed.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer-readable form is identical to the written (on paper or compact disc) sequence listing and, where

applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/560,121	PCT/US04/18301	91830.0538278



IFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/560/121
Filing Date	December 8, 2005
First Named Inventor	David Smithrud
Art Unit	Unknown
Examiner Name	Unknown
Attorney Docket Number	91830.0538278

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input checked="" type="checkbox"/> CD, Number of CD(s) <u>One</u> <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Notification of Defective Response (2 pages); Sequence Listing (3 Pages); Return Postcard.
<div>Remarks</div>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Frost Brown Todd LLC		
Signature			
Printed name	Stephen R. Albainy-Jenei		
Date	October 6, 2006	Reg. No.	41,487

### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Linda E. Spore	Date	October 6, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.